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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,058	04/15/2004	Robert Falotico	CRD-5079 NP	9477

27777 7590 12/10/2008

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 12/10/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10826058	4/15/2004	FALOTICO, ROBERT	CRD-5079 NP

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

EXAMINER

Casey S. Hagopian

ART UNIT	PAPER
1615	20081204

DATE MAILED:

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Commissioner for Patents

The reply filed on 10/23/2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): as explained in the Advisory Action dated 10/6/2008, applicant appears to be shifting inventions which is not permitted and considered non-responsive. The original claims were drawn to the combination of rapamycin and 17 beta estradiol whereas the newly amended claims are drawn to the combination of sirolimus and Panzem®. While sirolimus is a synonym for rapamycin, Panzem® is not a synonym for 17 beta estradiol. Panzem® is the tradename for 2-methoxyestradiol which is a different compound from the previously claimed 17 beta estradiol. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Casey Hagopian whose telephone number is 571-272-6097. The examiner can normally be reached on Monday through Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached at 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MP WOODWARD/
Supervisory Patent Examiner, Art Unit 1615